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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,230	03/12/2004	Kazuhito Matsuda	TOW-067RCE	8565
959 7590 04/02/2008 LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127				
EXAMINER				
LAIOS, MARIA J				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,230

Applicant(s)

MATSUDA ET AL.

Examiner

MARIA J. LAIOS

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 February 2008 has been entered. Claims 1 and 4 have been amended. Claims 1, 3, 4, 6 and 7 are pending.

Claim Rejections - 35 USC § 103

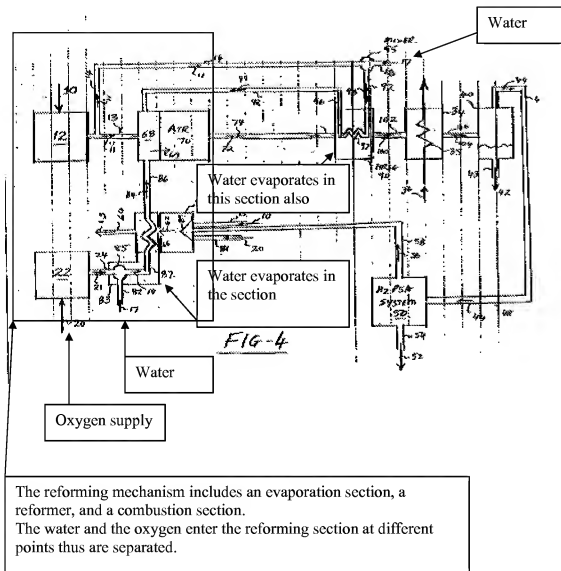
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 2003/0046867 A1) in view of Joshi (US 2004/0146821 A1). Woods discloses a fuel gas production apparatus for reforming a hydrogen containing fuel to produce a hydrogen rich fuel gas comprising a reforming mechanism which includes an auto thermal reforming system (ATR, 70, Paragraph 24) and an evaporator (Paragraph 20-evaporates the liquid water in mixture 19), a PSA mechanism (50), a cooling mechanism (90, 34, 40) that is provided between the ATR (70, part of the reforming mechanism) and the PSA system (70). The fuel in the system is a light hydrocarbon such as methane (paragraph 19). The oxygen (20)

Art Unit: 1795

separately enters the reforming system from the water (see figure below). Woods further discloses the hydrogen generating system for use in fuel cell applications (Paragraph 2).



Woods fails to disclose an off-gas tank connected to the evaporator. Joshi is analogous to Woods because both disclose the use of a PSA system in a hydrogen production. Joshi teaches that PSA systems produce a waste gas stream for recycling to a burner and that a surge tank is used to even out cyclic pressure fluctuation (Paragraph 4). It would have been obvious to one of

ordinary skill in the art to include the surge tank of Joshi to the system of Woods because this evens out the cyclic pressure fluctuations caused by the PSA system.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 2003/0046867 A1) and Joshi (US 2004/0146821 A1) as applied to claim 4 above, and further in view of Margiott et al. (US 2003/0087138 A1).

Woods modified by Joshi disclose a fuel cell with the fuel producing apparatus as discussed above and incorporated here in but fail to disclose an air blower for supplying air to the fuel cell. Margiott et al. discloses a fuel cell and teaches that an air blower (134) is used to pump air through the cathode flow field (Paragraph 25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the air blow of Margiott et al. to the fuel cell system of Wood modified by Joshi in order to provide air to the cathode flow field.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3, 4, 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended Claims 1 and 4 by changing "connected" to "coupled" and cites support is given by figure 2. The Examiner has interpreted coupled to mean the same as connected. Applicant's figure 2 shows the off gas tank to be connected to the PSA and the evaporator via the combustor.

Applicant argues that an off tank is not coupled to the evaporator.

Art Unit: 1795

Woods discloses a PSA system with the exhaust being sent to the PSA combustor (89). This in turn preheats the water of pipe (87) which evaporates the water in pipe (87) to obtain the preheated stream (84) entering the inlet zone (68) of the ATR (70). Joshi teaches that a surge tank off of the PSA system is used to even out the cyclic fluctuations from the PSA system. Joshi teaches that the PSA effluent is used in a burner (combustor). Thus by incorporating the surge tank of Joshi in the PSA exhaust stream (56) of Woods the cyclic fluctuations would diminish and provide an even flow to the burner of Woods. Therefore the surge tank would be connected to the exhaust of the PSA (50) and the combustor (89) which in turn is connected to the evaporating area (87, and the box surrounding this pipe as is described above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA J. LAIOS whose telephone number is (571)272-9808. The examiner can normally be reached on Monday - Thursday 10 am -7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJL

/Susy N Tsang-Foster/
Supervisory Patent Examiner, Art Unit 1795